

# PLANNING COMMISSION MINUTES

December 19, 2001

## CALL TO ORDER:

Chairman Vlad Voytilla called the meeting to order at 7:00 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

## ROLL CALL:

Present were Chairman Vlad Voytilla, Planning Commissioners Bob Barnard, Gary Bliss, Eric Johansen and Dan Maks. Planning Commissioner Brian Lynott was excused.

Development Services Manager Steven Sparks, AICP, Planning Consultant Irish Bunnell, Senior Planner John Osterberg, Assistant City Attorney Ted Naemura and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Voytilla, who presented the format for the meeting.

## VISITORS:

Chairman Voytilla asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

## STAFF COMMUNICATION:

On question, staff indicated that there were no staff communications at this time.

## OLD BUSINESS:

Chairman Voytilla opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda. There was no response.

1                   **CONTINUANCES:**

2

3           **A. SV 2001-0001: TRI-MET SW PALMER STREET VACATION**

4           Applicant requests Street Vacation approval to vacate a 20-foot right-of-way on a  
5           portion of SW Palmer Street located south of SW Merlo Road. The street  
6           vacation will be for approximately 1,225 feet of platted right-of-way. The  
7           Planning Commission, during a public meeting, will review the request and  
8           provide City Council with their recommendation. The City Council, during a  
9           public meeting on January 7, 2002, will review the request and the  
10          recommendation of the Planning Commission through the SV2001-0001  
11          application. The proposed Street Vacation is located on the Tri-Met Bus Facility  
12          site at 16130 SW Merlo Road; Washington County Assessor's Map 1S1-08BB on  
13          Tax Lots 100, 400, 500, and 700. The affected parcels are zoned Light Industrial  
14          (LI) and total approximately 29 acres in size.

15

16          **B. SV 2001-0002: TRI-MET SW RIGGS STREET VACATION**

17          Applicant requests Street Vacation approval to vacate a 20-foot right-of-way on a  
18          portion of SW Riggs Street located south of SW Merlo Road. The street vacation  
19          will be for approximately 1,225 feet of platted right-of-way. The Planning  
20          Commission, during a public meeting, will review the request and provide City  
21          Council with their recommendation. The City Council, during a public meeting  
22          on January 7, 2002, will review the request and the recommendation of the  
23          Planning Commission through the SV2001-0002 application. The proposed  
24          Street Vacation is located on the Tri-Met Bus Facility site at 16130 SW Merlo  
25          Road; Washington County Assessor's Map 1S1-08BB on Tax Lots 100, 400, 500,  
26          and 700. The affected parcels are zoned Light Industrial (LI) and total  
27          approximately 29 acres in size.

28

29          On behalf of Associate Planner Tyler Ryerson, Senior Planner John Osterberg  
30          presented the Staff Reports, observing that because the property involved on both  
31          of these applications are located within the same area and involve Tri-Met  
32          property, the Public Hearings are being held concurrently. Noting that the  
33          Planning Commission is not the decision-making body for these issues, he  
34          clarified that the Public Hearing is held for the purpose of making a  
35          recommendation to the City Council at their Public Hearing, which is scheduled  
36          January 28, 2001. Concluding, he offered to respond to any questions or  
37          comments.

38

39          Chairman Voytilla expressed his appreciation to Mr. Osterberg for clarifying the  
40          role of the Planning Commission on this issue.

41

42          **APPLICANT:**

43

44          **LYNN D. BAILEY**, representing Tri-Met, expressed her opinion that both  
45          applications stand on their own merit and offered to respond to any questions or  
46          comments.

1        **PUBLIC TESTIMONY:**

2  
3        On question, no member of the public appeared to testify regarding either  
4        application.

5  
6        Mr. Osterberg emphasized that each application requires a separate motion and a  
7        separate land use order.

8  
9        On question, Assistant City Attorney Naemura indicated that he had no questions  
10       or comments regarding this application.

11  
12       The public portion of the Public Hearing was closed.

13  
14       Commissioners Johansen, Barnard, Bliss and Maks and Chairman Voytilla all  
15       stated that both applications meet applicable criteria and expressed their support  
16       of both applications.

17  
18       Commissioner Maks **MOVED** and Commissioner Barnard **SECONDED** a  
19       motion that that SV 2001-0001 – Tri-Met/SW Palmer Street Vacation be  
20       **APPROVED**, based upon the testimony, reports and exhibits presented during  
21       the Public Hearing on the matter and upon the background facts, findings and  
22       conclusions found in the Staff Report dated December 12, 2001.

23  
24       Motion **CARRIED**, unanimously.

25  
26       Commissioner Maks **MOVED** and Commissioner Barnard **SECONDED** a  
27       motion that that SV 2001-0002 – Tri-Met/SW Riggs Street Vacation be  
28       **APPROVED**, based upon the testimony, reports and exhibits presented during  
29       the Public Hearing on the matter and upon the background facts, findings and  
30       conclusions found in the Staff Report dated December 12, 2001.

31  
32       Motion **CARRIED**, unanimously.

33  
34       7:12 p.m. – Mr. Osterberg left.

35  
36       **C. TA 2001-0001 – CHAPTER 40 UPDATE TEXT AMENDMENT**

37       (Continued from November 28, 2001)

38       The City of Beaverton has proposed a comprehensive update of Chapter 40  
39       (Permits and Applications) of the Beaverton Development Code. The proposed  
40       amendments will establish the development applications to be required in the  
41       City, the threshold(s) for determining the proper type of application to be  
42       required, and the approval criteria by which the application(s) will be evaluated.  
43       The existing Development Code contains many of the same applications,  
44       thresholds, and approval criteria. The proposed amendment will modify the  
45       existing applications, thresholds, and approval criteria and add new applications,  
46       thresholds, and approval criteria.

**D. TA 2001-0002 – CHAPTER 50 UPDATE TEXT AMENDMENT**

(Continued from November 28, 2001)

The City of Beaverton has proposed a comprehensive update of Chapter 50 (Procedures) of the Beaverton Development Code. The proposed amendments will establish the procedures by which development applications will be processed in the City. The procedures include, but are not limited to, initiation of an application, withdrawal of an application, application completeness, Type 1 through Type 4 application processes, and appeal(s), expiration, extension, and modification of decisions. The proposed amendment will modify existing procedures found in the Development Code and establish new procedures to be made a part of the Code.

**E. TA 2001-0003 – CHAPTER 10 UPDATE TEXT AMENDMENT**

(Continued from November 28, 2001)

The City of Beaverton has proposed a comprehensive update of Chapter 10 (General Provisions) of the Beaverton Development Code. The proposed amendments will establish the legal framework of the Development Code. Topics include, but are not limited to, compliance, interpretation, zoning districts, zoning map, fees, conditions of approval, enforcement, and development review participants. Development review participants include the City Council, Planning Commission, Board of Design Review, Facilities Review Committee, and the Community Development Director.

**F. TA 2001-0004 – CHAPTER 60 UPDATE TEXT AMENDMENT**

(Continued from November 28, 2001)

The City of Beaverton has proposed amendments to Chapter 60 (Special Requirements) of the Beaverton Development Code. The proposed amendments have been necessitated by the comprehensive updates to Chapter 40 and Chapter 50 of the Development Code. The proposed amendments will establish new special requirements for Land Division Standards and Planned Unit Development. The amendments propose to modify existing Special Use Regulations for Accessory Dwelling Unit, Accessory Uses and Structures, as well as existing special requirements for Transportation Facilities and Trees and Vegetation. The amendments also propose to delete the provisions pertaining to Historic Preservation and Temporary Use Permits.

**G. TA 2001-0005 – CHAPTER 90 UPDATE TEXT AMENDMENT**

(Continued from November 28, 2001)

The City of Beaverton has proposed amendments to Chapter 90 (Definitions) of the Beaverton Development Code. The proposed amendments have been necessitated by the comprehensive updates to Chapter 40 and Chapter 50 of the Development Code. The proposed amendments will add definitions of new terms and amend existing definitions of terms use in the Development Code.

**H. TA 2001-0007 – BEAVERTON MUNICIPAL CODE TEXT AMENDMENT**

(Continued from November 28, 2001)

1 The City of Beaverton has proposed amendments to the Beaverton Municipal  
2 Code. The proposed amendments have been necessitated by the comprehensive  
3 updates to Chapter 40 and Chapter 50 of the Development Code. The proposed  
4 amendments will ensure that there is consistency between the provisions of the  
5 Municipal Code and the Development Code.

6  
7 **I. TA 2001-0008 – CHAPTER 20 UPDATE TEXT AMENDMENT**

8 (Continued from November 28, 2001)

9 The City of Beaverton has proposed amendments to Chapter 20 (Land Uses) of  
10 Code. The proposed amendments have been necessitated by the comprehensive  
11 updates to Chapter 40 and Chapter 50 of the Development Code. The proposed  
12 amendments will also reorganize the Multiple Use zoning (Section 20.20) to make  
13 the Multiple Use zoning text read more clearly.

14  
15 Development Services Manager Steven Sparks mentioned that five additional  
16 Staff Reports have been distributed on the chapters that had been listed by the  
17 Planning Commissioners, specifically Chapters 40, 50, 10, 60 and 90, adding that  
18 these reports should address questions raised in previous meetings. Observing  
19 that he would not take the time to review each issue, he noted that he is available  
20 to respond to any questions or comments.

21  
22 Mr. Sparks mentioned three pieces of late correspondence that have been received  
23 recently and distributed this evening, as follows: 1) Todd Sadlo, dated December  
24 18, 2001; 2) Ernie Platt of the *Home Builders Association*, dated December 19,  
25 2001; and 3) Text that has recently been prepared by staff to address one of  
26 Commissioner Bliss' comments at the meeting of November 28, 2001. He  
27 explained that this basically addresses what is done with the final plats, adding  
28 that there had been concern that the City Engineer could withhold issuance of the  
29 final plat, further delaying the progress on a subdivision. He clarified that in the  
30 past, once the pipes or utilities are in the ground, the City of Beaverton issues a  
31 letter to the Washington County Surveyor providing permission to review the  
32 final plat survey, making certain that the subdivision is accurate. He pointed out  
33 that the surveyor is not so concerned at the final stage of the final plat review if  
34 easements are revised, emphasizing that they are more concerned that the actual  
35 corners of the subdivision are accurately established and not subject to change.

36  
37 Mr. Sparks pointed out that on page 4 of 9 of the proposed text in the Staff Report  
38 for TA 2001-0005 – Chapter 90 Update Text Amendment provides a definition of  
39 the term "landscaping tree", requesting that it be amended, as follows:

40  
41 **Landscape Tree. A tree other than a significant tree, a historic tree or**  
42 **a tree in a significant natural resource area** that has been preserved or  
43 planted as a component of an approved landscaping plan.

44  
45 Observing that these particular trees are already defined and otherwise protected,  
46 Mr. Sparks commented that staff does not wish to infer any second classification

1 for a historic tree and that a single tree should not be described as both a historic  
2 tree and a landscape tree.

3  
4 Mr. Sparks referred to page 15 of 51 of the proposed text in the Staff Report for  
5 TA 2001-0004 – Chapter 60 Update Text Amendment, requesting that lines 4 and  
6 5 be amended, as follows:

7  
8 the use requiring the parking lot is located ~~with the main building it serves~~  
9 ~~or on an abutting lot.~~

10  
11 Mr. Sparks referred to lines 23 through 26 on page GP-8 of the proposed text in  
12 the Staff Report for TA 2001-0003 – Chapter 10 Update Text Amendment,  
13 requesting that the strike out of the words in this section, as follows:

14  
15 former jurisdiction as though they were a part of this Code, ~~except that the~~  
16 ~~provisions of Chapters 30 through 80 of this Code shall supersede~~  
17 ~~comparable provisions of the zoning regulations in force in the former~~  
18 ~~jurisdiction at the time of annexation.~~

19  
20 be removed, and that these words be included in the final draft. He pointed out  
21 that staff would like to discuss this further with the City Attorney who had made  
22 this request, noting that striking Chapters 30 through 80 of the Code means that  
23 the City of Beaverton relies exclusively on the County Code. Observing that the  
24 City does not have the same procedures as the County for review of new uses, he  
25 mentioned that these chapters address procedure. Noting that staff would discuss  
26 this further with the City Attorney, he pointed out that including or deleting this  
27 portion of the text could be appropriately addressed at the City Council level  
28 without necessarily having to be returned to the Planning Commission for action.  
29 Concluding, he offered to respond to any questions.

30  
31 On question, Chairman Voytilla advised Commissioner Maks that he prefers to  
32 address each chapter individually, beginning with Chapter 40.

33  
34 Commissioner Maks addressed Chapter 40, expressing his opinion that there are  
35 many issues on which he disagrees with staff. He referred to page AP-16,  
36 regarding the increase in gross floor area, noting that there are too many  
37 Conditional Use Permits (CUPs) that are too close and are barely approved,  
38 emphasizing that they should be modified through the Public Hearing process,  
39 rather than a Type 2 application. Referring to the appropriate development issue  
40 mentioned by Commissioner Johansen, he stated that he respectfully disagrees  
41 with staff's rationale, adding that he would not approve this section as is. He  
42 pointed out that he has no issue with the Planned Unit Development (PUD)  
43 phasing process, adding that although he has some concerns with the Temporary  
44 Use issue, he is willing to accept staff's recommendations and that this could be  
45 addressed at a later time. He expressed appreciation for changes on the Tree Plan,  
46 pointing out that this concludes his comments regarding Chapter 40.

1 Commissioner Maks referred to Chapter 10, specifically Section 10.65.7 with  
2 regard to the failure to fulfill previous conditions issue, and questioned why staff  
3 had deleted this section.  
4

5 Mr. Sparks explained that the City Attorney had expressed his reservations over  
6 this section, observing that this is the text utilized by Washington County. He  
7 pointed out that the issue involves linking one unrelated development with  
8 another, specifically how this could be done equitably without affecting other  
9 individuals and businesses, as is the case with some applications involving  
10 multiple applicants or parties.  
11

12 Planning Consultant Irish Bunnell emphasized that this issue is further  
13 complicated and more difficult to implement when dealing with multiple  
14 developers on the same project.  
15

16 Expressing his opinion that this is a valid issue, Commissioner Maks stated that  
17 whether a developer is a lead contractor or a sub-contractor, the burden of proof is  
18 upon this developer to show good faith.  
19

20 Mr. Sparks agreed that enforcement is an issue that staff has to address on a daily  
21 basis, pointing out that it is sometimes necessary to rely on Code Enforcement.  
22

23 Commissioner Maks requested clarification of whether the Director is  
24 comfortable with leaving this section in the document.  
25

26 Mr. Sparks informed Commissioner Maks that the Director has expressed his  
27 preference to include this section in the Development Code.  
28

29 Observing that this concludes his comments regarding Chapter 10, Commissioner  
30 Maks commented that this issue requires further discussion.  
31

32 Commissioner Maks referred to Chapter 50, specifically the section regarding the  
33 Neighborhood Review Meeting, and questioned where this had been located in  
34 the previous Development Code.  
35

36 Mr. Sparks advised Commissioner Maks that this section had been included in  
37 Chapter 50 – Procedures.  
38

39 Commissioner Maks referred to page PR-2, which provides that the applicant  
40 shall select the meeting time and place, according to the preference indicated by  
41 the relevant NAC. He mentioned another document which states that except as  
42 otherwise provided in this section, the applicant shall select the meeting time and  
43 place, and preference should be given to a regularly-schedule meeting time and  
44 location of the NAC in which the project is located. Observing that both  
45 documents indicate that this meeting should occur at a regularly scheduled NAC  
46 Meeting, he pointed out that this is not always feasible, emphasizing that he

1 prefers the old Development Code, which provides more power to the NAC. He  
2 mentioned that CCI brings up the issue that the Planning Director has the  
3 authority to elevate a project to a Type 3 in Washington County.

4

5 Mr. Sparks pointed out that this information is located at the top of page PR-4,  
6 Section 50.15.5.

7

8 Commissioner Bliss thanked staff for the modification to Section 10.15.10.1,  
9 adding that he recognizes that this is not the appropriate time to address some  
10 issues he still has. He referred to Section 40.15, which addresses the timeline for  
11 phasing PUDs, noting that while the explanation and description on page 3 of the  
12 Staff Report had been very clear, the actual text is not as clear as it should be and  
13 does not meet the criteria of being easily understood by any individual with an  
14 eighth grade reading level.

15

16 Mr. Sparks mentioned that although he had discussed this issue with Mr. Bliss  
17 earlier today, unfortunately numerous meetings in the afternoon had prevented  
18 him from reviewing the text, as he had planned.

19

20 Commissioner Bliss pointed out that the text would be difficult to understand to  
21 an applicant who would like to provide phases to a project.

22

23 Referring to page AP-27, Mr. Sparks expressed his opinion that staff could  
24 provide revisions that would clarify this section, pointing out that a multi-phase  
25 project should be limited to a maximum period of time, such as five years.

26

27 Commissioner Johansen expressed his agreement with the minor modification to  
28 the CUP process, adding that he would like this section to be reinstated into the  
29 text. He pointed out that while he understands staff's rationale pertaining to  
30 appropriate development, it is important language that links back to the  
31 Comprehensive Plan. He noted that he is still troubled by the issue regarding  
32 Temporary Use, adding that revisions had gone beyond reorganization and  
33 actually made the situation worse. He pointed out that the proposed revisions are  
34 more restrictive, emphasizing that although he is still struggling with this issue,  
35 this is not the intent of this process. Referring to page AP-26, Section  
36 40.15.15.5.C.8, which involves the criteria with regard to the half-mile issue for a  
37 CUP. Observing that this had been discussed, he mentioned that it had been his  
38 opinion that there had been a consensus with regard to eliminating this language,  
39 noting that the proposed modification actually worsened the situation. He  
40 emphasized that deliberations by the Planning Commission should have the  
41 authority to determine the area of influence with each individual application,  
42 adding that the distance restriction should be removed from the text.

43

44 Commissioner Maks agreed that the area of impact should be determined by each  
45 individual application, observing that this half-mile restriction effectively ties the  
46 hands of the Planning Commissioners in certain situations.



1 Commissioner Johansen mentioned Section 40.97.15.1.C., noting that the  
2 approval criteria for quasi-judicial zone changes, which currently requires that  
3 rezones from R-3.5 to R-2 and from R-7 to R-5 satisfy another criteria providing  
4 for the availability of adequate public facilities, as well as the ability to serve the  
5 increase in density, appears to also have been removed from the Development  
6 Code.

7  
8 Mr. Sparks pointed out that the beginning of Chapter 40 provides for the Facilities  
9 Review Committee to review all Type 2, 3 and 4 applications, adding that their  
10 criteria includes a provision requiring that all critical facilities and services related  
11 to development have or can be upgraded to provide adequate capacity. He  
12 pointed out that this section also includes essential facilities and services, noting  
13 that these terms, both critical facilities and services and essential facilities and  
14 services, are defined. He emphasized that this section had been relocated, rather  
15 than eliminated.

16  
17 Commissioner Johansen referred to the Neighborhood Meeting issue, expressing  
18 his opinion that the NACs should be delegated some preference on the time and  
19 location of these meetings and requesting that this language remain as it is at this  
20 time. He noted that he recognizes the difficulty in the enforcement of and legal  
21 implications involved in imposing restrictions on a developer in a situation  
22 involving a failure to fulfill prior conditions.

23  
24 Chairman Voytilla expressed his agreement with Commissioner Maks' concerns  
25 regarding issues in Chapter 40, observing that too often an issue surfaces while  
26 going through the process. He mentioned that some jurisdictions allow the  
27 Planning Director some discretion on a certain amount of increases without  
28 requiring an additional Public Hearing.

29  
30 Expressing his agreement with Chairman Voytilla, Commissioner Maks stated  
31 that while he would object to this affecting the gross square footage, he would  
32 like to allow an applicant the flexibility to relocate a door or a window or possibly  
33 change the percentage of landscaping in a development.

34  
35 Observing that the Board of Design Review would be reviewing the issues  
36 mentioned by Commissioner Maks, Mr. Sparks suggested that a Type 1 Design  
37 Review could possibly modify the location of doors or windows, with a certain  
38 amount of flexibility to address other types of changes through a Building Permit.

39  
40 Chairman Voytilla questioned how much time is typically involved in a Type 1  
41 Design Review application.

42  
43 Mr. Sparks advised Chairman Voytilla that a Type 1 generally involves up to  
44 thirty days, although because no notification is involved, something like this  
45 would most likely take no longer than a week or two.

46

1 Mr. Bunnell clarified that if a revision falls below certain thresholds, there is no  
2 need to go through the modification of a CUP.

3  
4 Commissioner Maks stated that he would like to eliminate the minor modification  
5 of a Conditional Use.

6  
7 Chairman Voytilla pointed out that there might be a situation in which it is  
8 necessary for an applicant to request a modification of a CUP.

9  
10 Mr. Sparks commented that the implication would be that there would no longer  
11 be minor or major modifications, pointing out that there would be a modification  
12 any time square footage is increased or vehicular trips are added.

13  
14 Commissioner Maks pointed out that this is not exactly what he is attempting to  
15 achieve, noting that a Type 2 CUP with a modification should be required to  
16 complete the Type 3 process.

17  
18 Mr. Sparks mentioned that Commissioner Maks' correction is not actually correct,  
19 noting that there is no point in two separate applications for minor and major  
20 modifications and that they would be combined, explaining that the thresholds  
21 would be any increase to floor area or additional vehicular trips.

22  
23 Chairman Voytilla discussed the issue of an eighth grade understanding, and  
24 questioned whether Mr. Sparks feels that this point is very clear or if there is still  
25 some confusion.

26  
27 Mr. Sparks expressed his opinion that this point is very clear, pointing out that the  
28 threshold refers to the gross floor area of a CUP, noting that a minor modification  
29 is to the structure, rather than the use, which would be addressed through Design  
30 Review.

31  
32 Commissioner Maks requested clarification that there is no Type 2 CUP,  
33 observing that he thought that school district portable classrooms were a Type 2  
34 CUP.

35  
36 Mr. Bunnell advised Commissioner Maks that he is correct about the portable  
37 classrooms, emphasizing that this is a very confusing section of the existing code.

38  
39 Mr. Sparks observed that this proposed text replaces all of Chapter 40, noting that  
40 much of the current text is actually incorporated into the proposed text. He  
41 mentioned that the existing text does provide an administrative CUP application,  
42 which is not being carried forward into the proposed text.

43  
44 Chairman Voytilla stated that he agrees with Commissioner Johansen with regard  
45 to other issues that had been discussed.

46

1 Mr. Sparks commented that Commissioner Johansen had made a statement  
2 regarding the purpose of this project, noting that while it is true that a great deal  
3 of the existing text is being carried forward, it is not the purpose of this proposal  
4 to simply reorganize the text. To characterize this proposal as not creating any  
5 new text clarifying the Development Code is not accurate. In addition to some  
6 reorganization, this text is being brought forward to make certain that all of the  
7 gaps are filled, and to create a series of applications and processes that make  
8 sense. He pointed out that the current code provides for a time limit of 120 days  
9 with unlimited extensions for a temporary use, observing that this often creates a  
10 permanent use, although the Planning Director has the authority to make a  
11 decision on any extension. He commented that the area of the Development Code  
12 involving Temporary Uses is confusing, largely silent and difficult to interpret  
13 and use, adding that the proposed text was reviewed by the CRAC Committee.  
14 Noting that the original recommendation from staff had provided for a much  
15 shorter period of time than the 45 days, he pointed out that a Temporary Use for  
16 non-mobile sales exceeds six weeks, which he considers a long time for such a  
17 use.

18  
19 Commissioner Barnard referred to Section 40.15.15.1.A 1 and 2, expressing  
20 concern that an applicant wanting to make a revision involving only one square  
21 foot would have to go through the Public Hearing process. He pointed out that  
22 1,000 square feet could probably seat 300 people, noting that if an application  
23 involves an auditorium, church or school, there would be a major impact  
24 involving parking. He questioned the feasibility of reducing these numbers in a  
25 way that would be acceptable to the Planning Commission, adding that providing  
26 some flexibility seems to make sense.

27  
28 Commissioner Maks stated that he understands why Commissioner Barnard feels  
29 that this section of the code is very inflexible, noting that at the same time, one of  
30 the most controversial issues heard by the Planning Commission are CUPs.  
31 Referring to the last CUP application by a church, he questioned how many  
32 appeals and how many levels of court had been involved. He emphasized that the  
33 bottom line is that the purpose of Conditional Uses is to enhance the zone in  
34 which they are located, adding that these uses sometimes end up being abrasive  
35 and create conflicts with the public, even in the case of churches or schools.

36  
37 Commissioner Barnard questioned whether any physical characteristic of a  
38 building site, such as soil structure, would create a situation that would make it  
39 necessary to relocate a wall.

40  
41 Mr. Sparks observed that some developers have invested money in soil testing  
42 that might not necessarily reflect accurately what is actually throughout the  
43 ground, noting that there are sometimes unanticipated surprises when the ground  
44 is opened up. He pointed out that it is feasible to either reengineer the ground, if  
45 possible, or alter the design, in order to increase the floor area or change the  
46 building in any measurable way. He mentioned that he is struggling to provide

1 such an example that has resulted in a change, significant or otherwise,  
2 emphasizing that while revisions are common, sometimes they are significant  
3 enough to require additional Design Review.  
4

5 Commissioner Maks suggested that it is possible to alter the design for the same  
6 square footage, emphasizing that this document does not provide any  
7 consideration for any amount of money a developer has into a project. He pointed  
8 out that the public is informed that a proposal would create a certain amount of  
9 impact on their surrounding environment, based upon square footage, screening  
10 and other factors. He noted that although an additional ten square feet should not  
11 make any measurable difference, 100 square feet would definitely affect both  
12 parking and vehicular trips, and that 1000 square feet would be a major impact.  
13

14 Chairman Voytilla described certain situations what would necessitate additional  
15 square footage.  
16

17 Commissioner Barnard suggested the addition of a sentence providing that the  
18 increase does not in any way increase the use of the building, specifically parking  
19 and seating capacities.  
20

21 Observing that this might be up to the discretion of the Planning Director,  
22 Chairman Voytilla pointed out that it could be necessary to widen a hallway.  
23

24 Commissioner Maks emphasized that a wider hallway would not create a  
25 vehicular trip or a need for additional parking, reiterating that he is concerned  
26 with revisions that would cause an impact.  
27

28 Commissioner Johansen questioned whether an application for a CUP for a  
29 60,000 square foot building actually resulting in a 58,000 square foot building  
30 would allow the applicant to later add the other 2,000 square feet without going  
31 through another Public Hearing process.  
32

33 Observing that this specific issue has gotten a great deal of consideration from  
34 both him and Mr. Bunnell, Mr. Sparks informed Commissioner Johansen that  
35 because a CUP runs with the land, a revision for one use might necessitate  
36 additional parking or vehicular trips that would not be an issue with another use,  
37 no absolute solution has yet been determined.  
38

39 Chairman Voytilla questioned whether staff reviews building modification  
40 requests in advance.  
41

42 Mr. Sparks informed Chairman Voytilla that these tenant improvements would  
43 not be reviewed by planning staff in advance.  
44

45 Mr. Sparks clarified that a new structure or a remodel that has gone through CUP  
46 review or Design Review, the building staff shares the plans with the planning

1 staff, who reviews the plans to make certain that it is the same thing that was  
2 approved. He further explained that changes occur in the field, such as a tenant  
3 improvement, these changes are not reviewed by planning staff, adding that  
4 sometimes an exception is made for controversial developments. In response to  
5 Commissioner Johansen's question regarding the additional 2,000 square feet,  
6 from a 58,000 square foot building to the originally approved 60,000 square feet,  
7 he noted that there is still a certain period of time in which this must be  
8 implemented.

9  
10 Commissioner Maks emphasized that the burden of proof is upon the applicant,  
11 noting that the applicants are expected to be experts and know what they are  
12 doing, although it is easy for any applicant to make a mistake, some of which cost  
13 additional time and money.

14  
15 Chairman Voytilla noted that sometimes this issue involves interpretations, rather  
16 than mistakes, observing that it is not always possible to anticipate things that  
17 occur.

18  
19 Commissioner Bliss suggested the possibility of including this with the Building  
20 Permit process, noting that it is a preliminary process and that this body is not in  
21 the finite design stage. He discussed issues that occur with different  
22 interpretations of the same code, expressing his opinion that it is not appropriate  
23 to hoist exactness on an applicant when exactness is not applicable.

24  
25 Commissioner Maks explained that this involves a use that is conditional, which  
26 necessitates certain conditions, adding that although this use might enhance an  
27 area, it could conceivably also create an impact. He emphasized that if anything  
28 is going to change those impacts, the public has the right to participate in the  
29 process.

30  
31 Mr. Sparks clarified that with regard to the portable classrooms, staff had just  
32 come up with a suggestion to merge the modifications and eliminate the Type 2  
33 modifications. He pointed out that the proposed document provides that an  
34 application involving 1,000 or fewer square feet involves a Type 2, which would  
35 allow one portable classroom, adding that this is considered a minor modification  
36 of a CUP.

37  
38 Referring to Hiteon Elementary School, Commissioner Maks mentioned that  
39 while this school had originally been built for 528 students, an increase to 775  
40 students resulted in seven portable classrooms. He pointed out that this was a  
41 Type 3 process when it was approved, adding that the access and traffic flows are  
42 inadequate. Observing that each of the seven portable classrooms holds 25 or 26  
43 students, he mentioned that this is a non-busing school, and that when it rains,  
44 every single student is dropped off. Emphasizing that this is exactly the issue he  
45 is referring to, he stated that this should have gone through a Type 3 Public  
46 Hearing, rather than behind closed doors with a Type 2. Noting that it did create

1 an impact, he commented that he is not trying to implicate that it was not  
2 necessary or would not have been approved. Expressing his opinion that one  
3 portable classroom creates approximately seven vehicular trips during the a.m.  
4 peak period, he stated that this is a significant impact.

5  
6 Mr. Sparks responded to Commissioner Maks, emphasizing that while it does not  
7 happen on the dais, a Type 2 decision does not occur behind closed doors. He  
8 further explained that public notification is provided and that the public is invited  
9 to be involved in the decision.

10  
11 Commissioner Maks stated that the key is the level of discussion.

12  
13 Expressing his agreement with Commissioner Maks, Commissioner Barnard  
14 stated that he is fully supportive of a certain amount of wiggle-room, in a manner  
15 that does not impact parking, transportation or vehicular traffic. He mentioned  
16 that it is necessary to identify that this is not an area that grows, suggesting that  
17 this could be stated right in the process. He expressed his agreement with  
18 Commissioner Johansen regarding the distance, noting that it is necessary to  
19 provide some guidelines to the applicant. He mentioned that he concurs with  
20 statements regarding the phasing of projects, adding that he would also support  
21 the NACs' right to determine the date and time of a Neighborhood Meeting.

22  
23 Mr. Sparks clarified that it is not required that a Neighborhood Meeting actually  
24 occur at the NAC.

25  
26 Observing that he considers both traffic and parking an impact, Commissioner  
27 Maks questioned whether noise and visibility should also be considered impacts.

28  
29 Mr. Sparks commented that when considering a conditional use, staff is  
30 considering the total square footage, adding that if a wall is relocated in order to  
31 accommodate a hallway, more square footage is added. He further stated that this  
32 creates more of a parking requirement and also increases vehicular trips under the  
33 calculations that staff relies upon.

34  
35 Chairman Voytilla pointed out that the parking requirements of a church are based  
36 upon the seating, rather than square footage, available in the sanctuary.

37  
38 Mr. Sparks agreed that issues with some issues are tied to other aspects of an  
39 application, such as seating.

40  
41 Commissioner Barnard expressed his opinion that noise is included with a use and  
42 does not create an additional impact, adding that this is addressed by approving  
43 the usage of a site. He pointed out that if capacity increases or decreases, an  
44 applicant should have to go back before the Planning Commission for a Public  
45 Hearing.

46

1 Noting that Commissioner Barnard had just identified four very valid issues,  
2 Chairman Voytilla requested clarification of staff's opinion.

3  
4 Mr. Sparks advised Chairman Voytilla that Mr. Bunnell and himself had traveled  
5 on this particular path for approximately three years.

6  
7 Mr. Bunnell clarified that if capacity, parking, vehicular traffic, setbacks and  
8 other such issues are not affected, it could be feasible to create a Type 1  
9 modification process to address the very simple issues, adding that if those things  
10 are not affected, there is no affect upon the conditional use and that it would be  
11 possible to address the issues through design review.

12  
13 Commissioner Barnard emphasized that if these four issues are affected and it is  
14 an impact to the community, the public has the right to be informed.

15  
16 Commissioner Maks pointed out that noise could be an impact on a CUP. On  
17 question, he informed Commissioner Johansen that the height of a building would  
18 also be considered an impact.

19  
20 Mr. Sparks emphasized that the height is a design issue, rather than a use issue.  
21 He pointed out that staff feels that they have provided flexibility with regard to  
22 the minor modifications, adding that it might be necessary to provide some  
23 thresholds with regard to the distance exterior walls could be moved and other  
24 similar issues. He emphasized the necessity of narrowing these modifications  
25 down in terms of the scope of the change, noting that staff would also like to  
26 allow some flexibility with regard to unanticipated issues that occur over time.

27  
28 Commissioner Barnard stated that he prefers the capacity usage, the vehicular  
29 traffic and parking need, and designated setbacks, observing that the relocation of  
30 walls could create additional issues.

31  
32 Mr. Bunnell mentioned that while he understands Commissioner Barnard's point,  
33 it is possible to condition a CUP, adding that if a 35-foot setback is important and  
34 should not be violated, this should be provided for within the Conditions of  
35 Approval, which can only be revised by the decision-making body.

36  
37 Commissioner Barnard emphasized that it is not possible to condition every issue,  
38 expressing concern with remembering every issue in every instance.

39  
40 Commissioner Maks explained that this had actually been discussed at CRAC,  
41 observing that Bev Bookin had pointed out that an entire application could be  
42 conditioned on the site plan and the evidence presented. He emphasized that this  
43 would eliminate the possibility of any revisions without the applicant coming  
44 back before the decision-making body.

45

1 Commissioner Barnard expressed his opinion that it is important to the  
2 community that a development is actually what they had understood it to be  
3 during the public process.  
4

5 Commissioner Maks questioned whether Commissioner Barnard is only referring  
6 to conditional use impacts, adding that Mr. Sparks had been right when he pointed  
7 out that it is possible to change certain uses that fall into conditional use in Office  
8 Commercial (OC) areas and that vehicular trips, based upon the ITE manual, are  
9 based upon gross square footage. He suggested the possibility that it might be  
10 easier to achieve the desired result by including the term "within a residential  
11 zone" for a CUP, adding that the impacts should then be identified.  
12

13 Commissioner Barnard emphasized that he prefers simplicity, questioning how  
14 one would determine that a resident located just outside of a residential zone  
15 would not feel the same impact as a resident within that residential zone.  
16

17 Commissioner Maks observed that a CUP could be defined within a residential  
18 zone, providing that certain issues are not to be affected. Noting that he agrees  
19 with Commissioner Barnard's comments, he mentioned that he had brought up  
20 the noise issue, and suggested that the 1,000 square feet not be eliminated.  
21

22 Mr. Sparks responded that taking this action with residential CUPs would require  
23 an amendment to the minor modification thresholds to only include those  
24 thresholds that would apply to conditional uses within a commercial/industrial/  
25 multiple use zone, excluding those that are in residential zones and some distance  
26 (possibly 50 feet) from a residential zone. He explained that a major modification  
27 would be any change to a conditional use located in a residential zone or within a  
28 certain distance of a residential zone. Referring to page 16 on the November 17,  
29 2001 draft document, he pointed out that the first threshold addresses the 10% or  
30 1,000 square feet of properties located in or within 50 feet of a residential zoning  
31 district. He mentioned that the properties located within a residential zoning  
32 district would be eliminated, adding that the first two thresholds would basically  
33 be replaced to provide that possibly 10% and less than 50,000 square feet within a  
34 commercial, industrial or multiple use zoning district or more than 50 feet from a  
35 residential zoning district could be addressed through a Type 2 minor  
36 modification. He pointed out that the thresholds on page AP-18 would then be  
37 augmented, providing that any conditional use modified within a residential  
38 zoning district by adding any square footage or gross square floor area or any  
39 vehicular trips would involve a major modification of a conditional use, which  
40 would be a Type 3 major modification.  
41

42 Commissioner Maks pointed out that 1,000 gross square feet of floor area on a  
43 conditional use could be a *7-11 Store*.  
44



1 Commissioner Barnard observed that this would be greater than 10%, which  
2 would involve another application, noting that the average *7-11 Store* is only  
3 6,000 square feet.  
4

5 Commissioner Maks emphasized that he is concerned with the potential traffic  
6 impact, noting that a restaurant with a drive-through window is a conditional use  
7 within certain zones, and mentioned the Fast Food Mecca located at 158<sup>th</sup> Avenue  
8 and Walker Road.  
9

10 Chairman Voytilla pointed out that staff should have a good idea of what the  
11 Planning Commission's concerns are and questioned whether staff feels  
12 comfortable with the situation.  
13

14 Mr. Sparks assured Chairman Voytilla that staff could create a document that  
15 would address these concerns.  
16

17 Commissioner Maks expressed his opinion that issues involving a failure to fulfill  
18 previous conditions should be addressed by the City Attorney, the Planning  
19 Director and the City Council, adding that he prefers that this provision be left in  
20 the document.  
21

22 Chairman Voytilla questioned whether the Planning Commissioners are in  
23 agreement with staff having further discussions on the issue of failure to fulfill  
24 previous conditions.  
25

26 Commissioner Bliss stated that while he has no problem with discussing the  
27 failure to fulfill previous conditions, he would have a problem with changes to the  
28 document, expressing his opinion that it is not appropriate to tie the past to the  
29 future in that way.  
30

31 Chairman Voytilla pointed out that there are still issues with Chapter 40 –  
32 Temporary Use, adding that he believes that the concerns with Neighborhood  
33 Meetings have been resolved.  
34

35 Commissioner Maks mentioned that the ½ mile issue still has not been resolved.  
36

37 Commissioner Barnard referred to the issue involving appropriate development.  
38

39 Mr. Sparks emphasized that these two separate issues involve the same criteria,  
40 and requested clarification of whether to add the appropriate back into the criteria  
41 and whether to keep or delete the ½ mile.  
42

43 Commissioner Maks commented that he agrees with Commissioner Johansen,  
44 noting that appropriate development needs to be put back into the document and  
45 that the ½ mile needs to be deleted.  
46

1       Following a brief discussion, Chairman Voytilla determined that there is  
2       consensus on these issues, and that appropriate development should be put back  
3       into the document and that the ½ mile should be deleted.

4  
5       Chairman Voytilla pointed out that the temporary use issue has not been resolved.

6  
7       Commissioner Maks observed that he is torn regarding the temporary use issue,  
8       adding that although he would support staff's recommendation as written, he  
9       would like to readdress this issue at some future point.

10  
11       On question, Commissioners Bliss and Johansen expressed their agreement with  
12       Commissioner Maks regarding the temporary use issue.

13  
14       Commissioner Barnard stated that is struggling with support of the temporary use  
15       issue, and questioned whether staff is open to changing the period of time  
16       between applications, expressing his opinion that this should not be 120 days.

17  
18       Mr. Sparks pointed out that a temporary non-mobile sale use should not occur  
19       more than twice on the same site in the same year, observing that he does not  
20       believe that it is necessary for 120 days to elapse between these uses.

21  
22       Commissioner Barnard referred to Mr. Sadlo's letter, observing that he had  
23       expressed opposition to the 120-day waiting period between permits.

24  
25       Mr. Sparks advised Commissioner Barnard that he is not certain whether this 120-  
26       day waiting period between permits is completely accurate, adding that he would  
27       review this section of the document. Referring to page AP-113, he commented  
28       that this would involve Criteria No. 13, which states that a temporary non-mobile  
29       sales use is not to occur more than twice on the same site within the same  
30       calendar year. Observing that he could perform the calculations, he pointed out  
31       that this section could possibly restrict this use to the 120-day waiting period  
32       between permits, adding that he does not believe that it does.

33  
34       Commissioner Maks stated that he feels that Mr. Sadlo had presented good  
35       arguments with regard to the business he represents, adding that he had possibly  
36       identified a need. He emphasized that this does not involve Temporary Use and  
37       should not be addressed in this section, noting that 240 days is not a Temporary  
38       Use.

39  
40       Expressing his agreement with Commissioner Maks, Commissioner Barnard  
41       reiterated that 240 days could not be considered temporary. He pointed out that  
42       his concern had involved the applicant period of time of up to 45 days, adding that  
43       according to Mr. Sadlo's interpretation, there would also be the additional 120  
44       days.

45

1 Mr. Sparks informed Commissioner Barnard that he would have to review this  
2 section in order to respond appropriately.

3  
4 Observing that this issue needs to be revisited, Chairman Voytilla questioned  
5 whether Commissioner Barnard feels comfortable supporting staff's position.

6  
7 Commissioner Bliss commented that he basically supports staff's position on this  
8 issue.

9  
10 Commissioner Maks pointed out that he would like to ask counsel one thing  
11 before adding it to the list.

12  
13 Mr. Sparks commented that he would like to make a correction to an earlier  
14 statement concerning the extensions under the existing code, observing that Mr.  
15 Sadlo had provided him with the section of the Development Code concerning  
16 non-mobile temporary sales. He pointed out that there is a section that provides  
17 for applications for operations and activities up to 30 days, as well as applications  
18 providing for this use up to 120-days, noting that permits issued for fewer than  
19 120-days may extend their use for up to a total 120-days of operation, with no  
20 additional extensions allowed. He further clarified that the applicant is not  
21 permitted to apply for a similar request for at least 120-day, adding that the  
22 request for another application for 120-days exists within the current  
23 Development Code and he had been incorrect in stating that these uses could be  
24 renewed continuously.

25  
26 Commissioner Barnard pointed out that the proposed Development Code does not  
27 require an applicant to wait the 120-days.

28  
29 Mr. Sparks clarified that the expiration section provides that all approvals for  
30 temporary non-mobile sales shall expire 45 days after the date of approval, adding  
31 that extensions are not permitted.

32  
33 9:15 p.m. to 9:21 p.m. -- recess  
34

35 Commissioner Maks requested clarification from counsel, regarding the de novo  
36 hearings, and described a situation where an individual testifies with regard to  
37 what he considers an incorrect traffic report. He questioned whether the  
38 individual who had made this testimony at the Public Hearing would be allowed  
39 to testify at an appeal of an approval of this application.

40  
41 Mr. Naemura questioned who would be providing the testimony.  
42

43 Commissioner Maks advised Mr. Naemura that the individual he is referring to  
44 that provided testimony is a citizen, and questioned whether this individual could  
45 provide, at the appeal level, a document, letter or traffic study in support of the  
46 testimony he had provided at the Public Hearing before the Planning Commission.

1 Mr. Naemura emphasized that the whole idea of the “on the record” feature is to  
2 preclude the second round of evidence submittals, pointing out that there is a  
3 difference between providing documentation of what you had testified and  
4 providing an entire new set of evidence, which is not supposed to occur,  
5

6 Commissioner Maks questioned whether an individual could provide, rather than  
7 a traffic study, a document from a Traffic Engineer that provides information  
8 indicating that the a.m. period queuing ratio is exceeded and that the stacking is  
9 also exceeded, at the appeal level.  
10

11 Mr. Naemura advised Commissioner Maks that in his opinion, this would not be  
12 allowed.  
13

14 Commissioner Barnard questioned whether testimony would be permitted at the  
15 de novo hearing.  
16

17 Mr. Naemura informed Commissioner Barnard that testimony would be provided,  
18 emphasizing that the idea is not to introduce a new round of evidence.  
19

20 Commissioner Barnard expressed his opinion that any supporting documentation  
21 to an individual’s statements should be allowed.  
22

23 Mr. Naemura explained that this documentation should have provided previously,  
24 at the original Public Hearing, clarifying that new evidence would not be provided  
25 to the City Council.  
26

27 In an attempt to augment the record, Mr. Sparks noted that statute does allow any  
28 individual to request that the record be left open for a period of at least seven  
29 days, explaining that this should provide an individual additional time to submit  
30 additional evidence for the record.  
31

32 Commissioner Maks noted that all studies are submitted at the time an application  
33 is deemed complete.  
34

35 Mr. Sparks pointed out that a one page Traffic Report would be accepted as  
36 complete if submitted as complete by an applicant, adding that if the evidence in  
37 the submittal were not adequate to support this claim during the staff analysis,  
38 staff would most likely recommend denial of the application. He pointed out that  
39 once an applicant is aware of a recommendation of denial, it is possible that they  
40 would provide further information to augment the record to address issues  
41 identified by staff.  
42

43 Emphasizing that he is in support of the text as it is written, Commissioner Maks  
44 questioned at which point an applicant becomes aware that it is necessary to retain  
45 an attorney or hire a traffic consultant and expressed concern with the potential

1 for what he referred to as dueling arborists. He questioned whether there is any  
2 provision for forcing complete studies from the beginning.

3  
4 Commissioner Johansen pointed out that this would be in conflict with the ability  
5 to submit information right up to the time of the Public Hearing.

6  
7 Mr. Sparks observed that the public first becomes aware of an application when  
8 the required notification goes out, adding that the statute provides for a 20-day  
9 advance notification and that the City of Beaverton provides this notification to  
10 property owners within 500-feet of a Type 3 application. He further clarified that  
11 due to the Facilities Review Process, notification of the Public Hearing is actually  
12 provided more than 20 days in advance, which is a longer period of time than  
13 provided for in the statute. He pointed out that although there is an appeal on the  
14 record, as proposed, there is also a provision for a partial de novo, in the event of  
15 an alleged procedural error or if something occurs providing evidence that had not  
16 been available to assist the Planning Commission in making their decision. He  
17 explained that if an individual testifies that adequate room for queuing is not  
18 available and he later provides a consultant to confirm this testimony, the City  
19 Council would ultimately have to make a decision on whether sufficient  
20 testimony had been available at the time of the original Public Hearing. He  
21 mentioned that staff could determine that hiring a consultant following a decision  
22 would not be appropriate, emphasizing that any individual with these concerns  
23 had received notification at least twenty days prior to the meeting and should have  
24 taken action during that period of time. He noted that if a consultant had been at  
25 least hired prior to the Public Hearing and something such as an accident  
26 prevented them from attending the Public Hearing, it would be possible to appeal  
27 to the City Council for a partial de novo hearing.

28  
29 Commissioner Barnard noted that it is not unreasonable to expect City  
30 government to verify the appropriate and applicable information.

31  
32 Commissioner Maks commented that he accepts what is here, adding that he is  
33 comfortable moving it forward, adding that he believes that the City of Beaverton  
34 would be benefited more than harmed. He pointed out that he wishes that there  
35 were more of an escape loop on the issue, although this involves schematics. He  
36 emphasized that one issue that is not universally understood is that these  
37 applications also involve the applicant's time clock. He noted that any individual  
38 who could not submit a communication regarding the queuing issue during the 28  
39 days would most likely also not take appropriate action during the fourteen days  
40 between the approval and the appeal period.

41  
42 Chairman Voytilla noted that issues affecting Chapter 10 and Chapter 40, are  
43 going back to staff for review, adding that there had been consensus on the other  
44 issues and that he would like to take action to solidify some of these issues at this  
45 time.

46

Commissioner Maks **MOVED** to approve TA 2001-0005 – Chapter 90 Update Text Amendment, based upon the testimony, reports and exhibits presented during the Public Hearing on the matter and upon the background facts, findings and conclusions found in the Staff Report dated December 12, 2001, as amended this evening.

Observing that certain actions could affect other applications, Mr. Sparks requested that the Planning Commission consider no action tonight other than to continue the applications to a date certain.

Commissioner Maks **WITHDREW** his motion to approve TA 2001-0005 – Chapter 90 Update Text Amendment.

Commissioner Maks **MOVED** and Commissioner Johansen **SECONDED** a motion to continue 1) TA 2001-0001 – Chapter 40 Update Text Amendment; 2) TA 2001-0002 – Chapter 50 Update Text Amendment; 3) TA 2001-0003 – Chapter 10 Update Text Amendment; 4) TA 2001-0004 – Chapter 60 Update Text Amendment; 5) TA 2001-0005 – Chapter 90 Update Text Amendment; 6) TA 2001-0007 – Beaverton Municipal Code Text Amendment; and 7) TA 2001-0008 – Chapter 20 Update Text Amendment to a date certain of January 23, 2002.

Motion **CARRIED**, unanimously.

Mr. Sparks clarified that staff would be addressing modifications to the CUP application and that there would also be discussion regarding the criteria specific to appropriate development, the ½ mile issue and Temporary Use in Chapter 40.

Commissioner Maks advised Mr. Sparks that consensus had been reached regarding Temporary Use.

Mr. Sparks noted that staff would address the provision regarding the failure to fulfill prior conditions in Chapter 10, and that the text regarding Neighborhood Review in Chapter 50 would also be returned for review.

Commissioner Barnard noted that he would not be in attendance on January 23, 2002.

Observing that several current Planning Commissioners would no longer be serving during the year 2002, Chairman Voytilla pointed out that while new appointments have been made, due to a quorum issue, it is necessary for Commissioners Bliss, Johansen and Maks and himself to be in attendance at that time. He emphasized that it would not be fair or appropriate to confront the new appointees with all of this material at this point and expect them to be comfortable with making a decision.

1 **APPROVAL OF MINUTES:**

2  
3 Minutes of the meeting of October 31, 2001, submitted. Commissioner Maks  
4 **MOVED** and Commissioner Barnard **SECONDED** a motion that the minutes be  
5 approved as written.

6  
7 Motion **CARRIED**, unanimously.

8  
9 Minutes of the meeting of November 7, 2001, submitted. Commissioner Barnard  
10 **MOVED** and Commissioner Bliss **SECONDED** a motion that the minutes be  
11 approved as written.

12  
13 Motion **CARRIED**, unanimously.

14  
15 **MISCELLANEOUS BUSINESS:**

16  
17 Commissioner Maks referred to the nominations that had occurred at the previous  
18 meeting of December 5, 2001, observing that Commissioner Voytilla had again  
19 been nominated to serve as Chairman for the year 2002. He explained that while  
20 Commissioner Barnard was not available at that time, he does put on a good  
21 buffet and that he had been nominated to serve in the capacity of Vice-Chairman  
22 for the year 2002.

23  
24 Commissioner Maks **MOVED** and Commissioner Johansen **SECONDED** a  
25 motion that nominations for Chairman be closed and that Commissioner Voytilla  
26 be elected to serve as Chairman for the year 2002.

27  
28 Motion **CARRIED**, unanimously.

29  
30 Commissioner Maks **MOVED** and Commissioner Bliss **SECONDED** a motion  
31 that nominations for Vice-Chairman be closed and that Commissioner Barnard be  
32 elected to serve as Vice-Chairman for the year 2002.

33  
34 Motion **CARRIED**, unanimously.

35  
36 Chairman Voytilla expressed his appreciation to his fellow Planning  
37 Commissioners for all of their work this past year, adding that he looks forward to  
38 working with them throughout the next year.

39  
40 The meeting adjourned at 9:50 p.m.